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Committee on the Elimination of Discrimination against Women
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Ways and means of expediting the work of the Committee

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Report of the Secretariat**

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I. Introduction

1. The present report transmits to the Committee on the Elimination of Discrimination against Women the decisions made at the seminar of the Committee held at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund, Sweden, from 22 to 24 April 2002 for review and adoption by the Committee. It also contains information on issues discussed without agreement at the seminar, which was attended by 19 members of the Committee, the Director of the Division for the Advancement of Women, three staff members of the Division and a member of the staff of the Office of the High Commissioner for Human Rights. The decisions adopted, and the issues discussed are contained in annex I.

2. The seminar requested the secretariat to prepare draft revised reporting guidelines for the consideration of the Committee at its twenty-seventh session. The draft revised reporting guidelines are contained in annex II.

3. Information is also provided to the Committee on relevant resolutions and decisions taken at the sessions of the Commission on the Status of Women and the Commission on Human Rights. Notes prepared by one of the members of the Committee on the implications of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the World Assembly on Ageing are contained in annexes III and IV respectively.

4. Chapter II of the present report provides information on reports to be considered by the Committee at future sessions.

II. Reports to be considered at future sessions of the Committee

5. At its twenty-sixth session, the Committee drew up the list of States parties whose reports would be considered at future sessions. With the exception of Costa Rica, all those States parties nominated by the Committee to be considered at its twenty-seventh session have been able to present their reports at that session. Suriname has also agreed to present its initial report. All States parties invited to present their reports during the Committee's exceptional session in August 2002 have also been able to report during that session.

6. With respect to its twenty-eighth session in January 2003, the Committee decided to invite Suriname to present its initial report; the Libyan Arab Jamahiriya, Morocco and Slovenia to present their second periodic reports; El Salvador, Israel and Kenya to present their third periodic reports; and Norway to present its fifth and sixth periodic reports. Suriname will present its initial report during the Committee's twenty-seventh session, while Israel, the Libyan Arab Jamahiriya, Morocco and Slovenia will be unable to present their reports. Luxembourg has agreed to present its third periodic report at that session, and Canada has agreed to present its fifth periodic report. In finalizing the list of States parties to be considered at its twenty-eighth session, the Committee may wish to take account of the fact that the initial report of Costa Rica and the combined first and second report of Switzerland have not yet been considered.

7. With respect to its twenty-ninth session, in July 2003, the Committee had decided to invite France to present its combined third and fourth periodic report and Japan to present its fourth periodic report. In finalizing the list of States parties to be considered at this session, and drawing up the list for future sessions, the Committee may wish to take account of the fact that the combined fourth and fifth periodic report of Ecuador has been submitted.

III. Commission on the Status of Women and Commission on Human Rights

A. Commission on the Status of Women

8. The forty-sixth session of the Commission on the Status of Women was held from 4 to 15 March and on 25 March 2002. Agreed conclusions were adopted on two thematic issues, "eradicating poverty, including through the empowerment of women throughout their life cycle in a globalizing world" and "environmental management and mitigation of natural disasters: a gender perspective". Five resolutions were adopted, including on the situation of women and girls in Afghanistan, which, inter alia, urges the Afghan Interim Authority and the future Afghan Transitional Authority to give high priority to the issue of ratification of the Convention, and consider signing and ratifying its Optional Protocol. Four decisions on

organizational matters relating to the Commission and its communications procedure were adopted.

B. Commission on Human Rights

9. The fifty-eighth session of the Commission on Human Rights was held from 18 March to 26 April 2002. A number of its resolutions made specific reference to the Convention or the Committee:

(a) Resolution 2002/16 on the situation of human rights in the Sudan calls on the Government of Sudan to sign and ratify the Convention and to ensure full and equal enjoyment by women and girls of their human rights;

(b) Resolution 2002/19 on the situation of human rights in Afghanistan calls on the Interim Authority and its successors to give high priority to the ratification of the Convention and to respect fully the human rights and fundamental freedoms of women and girls in accordance with international human rights law to bring to an end, without delay, all violations of the rights of women and girls;

(c) Resolution 2002/24 on the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights calls upon States to consider signing and ratifying the Optional Protocol to the Convention. The resolution renews for a further year the mandate of the independent expert on the question of a draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and authorizes the establishment at the fifty-ninth session of the Commission on Human Rights of an open-ended working group with a view to considering options regarding the elaboration of an optional protocol to the Covenant;

(d) Resolution 2002/30 on human rights and extreme poverty calls on the Committee to take into account extreme poverty and human rights when considering the reports of States parties;

(e) Resolution 2002/31 on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health calls on the special rapporteur on the right to health to take into account, inter alia, general recommendation 24 of the Committee in his or her work;

(f) Resolution 2002/49 on women's equal ownership, control over and access to land and equal rights to own property encourages the Committee to integrate the content of this resolution into its work;

(g) Resolution 2002/50 on integrating the human rights of women throughout the United Nations system welcomes the proposal in the joint work plan of the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights (E/CN.4/2002/82-E/CN.6/2002/6) to create a multimedia training package on international human rights instruments starting with the Convention and the Optional Protocol, and takes note of the proposal to convene a meeting of national human rights institutions, national machineries for the advancement of women and the Committee to discuss strategies to address the elimination of sex discrimination. It also encourages all entities of the United Nations system to pay systematic, increased and sustained attention to the recommendations of the Committee, in order to ensure that its concluding comments and general recommendations are better utilized in their respective work, urges ratification or accession of the Convention in order to achieve universal ratification and urges all States parties that have not done so to consider signing, ratifying or acceding to the Optional Protocol, calls for limitation of reservations, and review of reservations with a view to their withdrawal, and withdrawal contrary to the object and purpose of the Convention and urges States parties to the Convention to implement it fully, inter alia, through national legislation, policies and practices and take account of the recommendations of the Committee in this regard;

(h) Resolution 2002/51 on traffic in women and girls invites treaty bodies to continue to address within their mandates the issue of trafficking in women and girls and to share their knowledge and best practices as widely as possible and urges consideration of signature and ratification of the Convention and its Optional Protocol;

(i) Resolution 2002/52 on the elimination of violence against women urges consideration of signature and ratification, urges limitation, review and withdrawal of reservations and reminds Governments that their obligations under the Convention must be implemented fully with regard to violence against women, taking into account general

recommendation 19. It requests the Secretary-General to continue to provide the special rapporteur with adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

(j) Resolution 2002/67 on the situation of human rights in Myanmar calls on Myanmar to fulfil its obligations under the Convention by bringing national legislation and practice into conformity with it and consider signing and ratifying the Optional Protocol, as well as to implement fully the Committee's recommendations, in particular the request to prosecute and punish those who violate the human rights of women and to carry out human rights education and gender-sensitization training, in particular for military personnel;

(k) Resolution 2002/89 on the situation of human rights in Cambodia to take all steps to meet its obligations as a party to the Convention, including by seeking technical assistance.

10. Other resolutions referred to the work of all the human rights treaty bodies:

(a) Resolution 2002/25 on the right to food calls for cooperation of treaty bodies with the Special Rapporteur on the right to food in the fulfilment of his mandate;

(b) Resolution 2002/28 on globalization and its impact on the full enjoyment of human rights underlines the need for treaty bodies within their mandates, and where appropriate, to take into consideration the content of the resolution and the report of the High Commissioner on Human Rights on globalization and its impact on the enjoyment of human rights;

(c) Resolution 2002/61 on the human rights of persons with disabilities invites, inter alia, treaty bodies to make contributions to the work entrusted to the Ad Hoc Committee established by the General Assembly in its resolution 56/168 of 19 December 2001 to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities. It also invites treaty bodies to monitor the compliance of States with their commitments under human rights instruments in order to ensure full enjoyment of those rights by persons with disabilities and to include disability issues, as appropriate in their preparation of lists of issues and concluding observations and to consider drafting general comments on the human rights of persons with disabilities;

(d) Resolution 2002/62 on the human rights of migrants requests the Special Rapporteur on the human rights of migrants in carrying out her mandate to request, receive and exchange information on violations of the human rights of migrants, inter alia, with treaty bodies;

(e) Resolution 2002/65 on human rights and indigenous issues makes a similar request with respect to the Special Rapporteur on the situation of human rights and freedoms of indigenous people;

(f) Resolution 2002/68 on racism, racial discrimination, xenophobia and related intolerance invites all human rights treaty bodies to consider the Durban Declaration and Programme of Action in the discharge of their respective mandates;

(g) Resolution 2002/74 on the United Nations Decade for Human Rights Education encourages the human rights treaty bodies, when examining the reports of States parties, to place emphasis on the obligations of States parties in the area of human rights education and to reflect that emphasis in their concluding observations;

(h) Resolution 2002/84 on human rights and thematic procedures requests the continuation of close cooperation among these procedures and treaty bodies, and encourages the High Commissioner to further strengthen cooperation with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(i) Resolution 2002/85 on the effective implementation of international instruments on human rights includes comprehensive recommendations with regard to ratification, limitation and withdrawal of reservations and fulfilment of reporting obligations under international instruments on human rights;

(j) Decision 2002/111 on Subcommission resolution 2001/17 on reservations to human rights treaties, the Commission reaffirmed its decision 2001/113 of 25 April 2001, and in this regard requested the Subcommission to continue to keep in mind the work on reservations under way in the International Law Commission.

Annex I

Decisions made during the seminar on working methods of the Committee on the Elimination of Discrimination against Women

Reporting by States parties

It was decided that as part of a strategy to encourage States parties to report in accordance with article 18 of the Convention:

1. The secretariat would provide a profile of non-reporting States parties, including their reporting history with respect to all human rights treaty bodies, for analysis by the Committee. The Committee would:

(a) Determine priority non-reporting States parties, for example, long-term non-reporting States parties, followed by short-term non-reporting States parties;

(b) Analyse reasons for non-reporting, for example, lack of resources, political will or capacity.

2. Decision 23/II allowing for consolidation of all outstanding reporting obligations would be reiterated;

3. Incremental measures to encourage reporting by States parties would be adopted:

(a) Non-reporting States parties would receive reminders on a systematic basis; for example, States parties which reports which were five years or more overdue would receive notes verbales drawing attention to the Committee's decision 23/II, and the availability, on their request, of technical assistance;

(b) High-level secretariat encouragement of reporting, including through bilateral and multilateral contacts should be intensified;

(c) The issue of non-reporting would be included on the agenda of the meeting of chairpersons of human rights treaty bodies with a view to the adoption of a coordinated approach to non-reporting;

(d) Informal meetings of Committee members, bureau of the Committee or Chairperson of the Committee with non-reporting States parties, including on a regional basis would be encouraged;

(e) Closed meeting of Committee with representatives of the non-reporting State party to provide an opportunity for the State party to explain barriers to reporting would be convened;

(f) Provision of technical assistance at the request of States parties by the Division for the Advancement of Women, other United Nations entities or bodies, including at the field level, other international organizations or non-governmental organizations would be encouraged;

(g) Encouragement of reporting under all human rights treaties would be encouraged in constructive dialogue across treaty bodies;

(h) Reporting obligations of States parties under the Convention should be included in the agenda of the twelfth meeting of States parties to the Convention, to be held in August 2002.

Consideration of reports by the Committee and constructive dialogue with States parties

(a) The Committee's decision that its Chairperson extend courtesies to reporting States parties on behalf of the Committee was reiterated;

(b) In cases where a member of the Committee is a national of a State party which is presenting its report, the Committee's decision 18/III on the non-participation of that member in any part of the consideration of the State party's report should be explained by the Chairperson, and the contribution of that member to the work of the Committee acknowledged;

(c) In the consideration of periodic reports, it was agreed that, on an experimental basis to be reviewed after the twenty-seventh session, questions by experts would be clustered in accordance with the headings relating to the four substantive parts of the Convention. After experts had posed questions with respect to each cluster, the State party would be provided with an opportunity to respond. Experts would seek to focus on issues identified by the pre-session working group with respect to the State party under consideration, and would seek to avoid

intervening under each cluster. In order to assist the Chairperson, a sign-up list would be circulated by the secretariat;

(d) Presentation of initial reports by States parties would be limited to a maximum of 45 minutes; presentation of periodic reports by States parties would be limited to a maximum of 30 minutes, and such periods reflected in the programme of work of the Committee and the Journal of the United Nations. The closed meeting of the Committee to discuss the contents of the concluding comments on individual States parties' reports would be scheduled for a minimum period of 30 minutes, which would be reflected in the programme of work of the Committee and the Journal. States parties would be informed of time management of meetings by the Chairperson of the Committee at the outset of the meeting;

(e) Interventions by experts would be limited to three to five minutes. The time limit, which would be enforced flexibly, would be monitored at the twenty-seventh session by a speech timer which would be introduced on a trial basis;

(f) A standard formula for the Chairperson's summing up following the presentation by States parties of reports, expressing gratitude and providing encouragement for further implementation of the Convention, would be formulated and employed;

(g) The role of the country rapporteur, outlined in the Committee's decision 19/II on the procedures for the elaboration of concluding comments (see A/53/38/Rev.1, part two, para. 397) would be reiterated;

(h) As far as possible, country rapporteurs for periodic reports of States parties should be included in the pre-session working group on those reports. In cases where this is not possible, the country rapporteur would be encouraged to submit a list of issues and questions on the report of the State party to the relevant pre-session working group.

Concluding comments of the Committee

The Committee's basic format for concluding comments outlined in A/53/38/Rev.1, part two, paragraph 397, would be retained.

1. The "Introduction" would:

(a) Indicate whether the report complied with the Committee's reporting guidelines;

(b) Refer to any reservations to the Convention entered by the State party;

(c) Note the level of the delegation and the quality of the dialogue with the State party;

(d) Indicate whether the report mentions implementation of the Beijing Declaration and Platform for Action and/or the twenty-third special session of the General Assembly on Beijing+5.

2. Include a section on "positive aspects", but the Committee should consider objective guidelines for the formulation of this section.

3. Include a section on "factors and difficulties affecting implementation of the Convention" which would be used consistently and include only any overarching external factor impeding implementation, such as armed conflict, natural disaster or economic disaster; the persistence of stereotypical attitudes should not be included under "factors and difficulties".

4. Include a section on "principal areas of concern and recommendations" which would be organized, on an experimental basis, by sub-headings. Recommendations would appear in boldfaced type.

Revision of the reporting guidelines of the Committee

5. The seminar agreed that draft revised reporting guidelines, including requirements to report on implementation of the Beijing Platform for Action, the outcome of the twenty-third session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Madrid Declaration and Programme of Action of the Second World Assembly on Ageing, and in the case of periodic reports, the concluding comments of the Committee on the previous report of the State party, should be provided by the secretariat to the Committee at its twenty-seventh session. The seminar agreed that these guidelines should indicate that States parties should provide concise reports, and include guidance as to format of reports, including length.

Meeting with States parties

6. The seminar requested the secretariat to arrange for an informal closed meeting between the Committee and States parties to the Convention during its twenty-seventh session in June 2002.

Any other business

7. The seminar requested its Chairperson to liaise with the Chairpersons of the Human Rights Committee and the Committee on the Rights of the Child on the decision of the General Assembly in its resolution 56/272 of 27 March 2002 on the honorarium payable to those treaty bodies and the Committee on the Elimination of Discrimination against Women.

Issues discussed without agreement

8. In the context of non-reporting States parties, the seminar discussed the option of the Committee formulating lists of issues and questions for non-reporting States parties on the basis of information available through United Nations sources, including information in reports to other treaty bodies (for example, under article 3 of the International Covenant on Civil and Political Rights or article 3 of the International Covenant on Economic, Social and Cultural Rights) and concluding comments/observations of other treaty bodies for submission to non-reporting States parties with a request for answers which would serve as the basis of the Committee's consideration.

9. The seminar discussed consideration of States parties in the absence of a report.

10. The seminar discussed the possibility of not prefacing the concluding comments of the Committee with the summary of the introductory remarks of States parties.

11. The seminar discussed the option of focused periodic reports.

12. The seminar discussed the possibility of formulating a checklist for concluding comments.

13. The seminar discussed the possibility of nominating members to follow-up the implementation of concluding comments in States parties.

Annex II

Draft revised reporting guidelines

A. Introduction

A.1. These guidelines replace all earlier reporting guidelines issued by the Committee on the Elimination of Discrimination against Women (CEDAW/C/7/Rev.3), which may now be disregarded. The present guidelines do not affect the Committee's procedure in relation to any exceptional reports which may be requested which are governed by the Rule 48.5 of the Committee's Rules of Procedure and its Decision 21/I on exceptional reports.

A.2. These guidelines will be effective for all reports to be prepared after 31 December 2002.

A.3. The guidelines should be followed by States parties in the preparation of initial and all subsequent periodic reports.

A.4. Compliance with these guidelines will reduce the need for the Committee to request further information when it proceeds to consider a report; it will also help the Committee to consider the situation regarding human rights in every State party on an equal basis.

B. Framework of the Convention concerning reports

B.1. Every State party, upon ratifying or acceding to the Convention, undertakes, under article 18, to submit, within a year of the Convention's entry into force for that State, an initial report on the legislative, judicial, administrative or other measures it has adopted to give effect to the provisions of the Convention and progress made in this respect; and thereafter periodic reports at least every four years and further whenever the Committee so requests.

C. General guidance for contents of all reports

C.1. *The articles and the Committee's general recommendations.* The terms of the articles in Parts I, II, III and IV of the Convention must, together with general recommendations adopted by the Committee on any such article, or on a theme addressed by the Convention, be taken into account in preparing the report.

C.2. *Reservations and declarations.* Any reservation to or declaration as to any article of the Convention by the State party should be explained and its continued maintenance justified. Taking account of the Committee's statement on reservations adopted at its nineteenth session (see A/53/38/Rev.1, part two, chap. I, sect. A), the precise effect of any reservation or declaration in terms of national law and policy should be explained. States parties that have entered general reservations which do not refer to a specific article, or which are directed at articles 2 and/or 3 should report on the effect and the interpretation of those reservations. States parties should provide information on any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

C.3. *Factors and difficulties.* Article 18.2 of the Convention provides that factors and difficulties affecting the degree of fulfilment of obligations under the Convention may be indicated. A report should explain the nature and extent of, and reasons for every such factor and difficulty, if any such exist; and should give details of the steps being taken to overcome them.

C.4. *Data and statistics.* A report should include sufficient data and statistics disaggregated by sex relevant to each article and the general recommendations of the Committee to enable it to assess progress in the implementation of the Convention.

C.5. *Core document.* Where the State party has already prepared a core document, this will be available to the Committee. It should be updated as necessary in the report, particularly as regards "General legal framework" and "Information and publicity" (HRI/CORE/1, annex).

D. The initial report

D.1. General

D.1.1. This report is the State party's first opportunity to present to the Committee the extent to which its laws

and practices comply with the Convention which it has ratified. The report should:

(a) Establish the constitutional, legal and administrative framework for the implementation of the Convention;

(b) Explain the legal and practical measures adopted to give effect to the provisions of the Convention;

(c) Demonstrate the progress made in ensuring enjoyment of the provisions of the Convention by the people within the State party and subject to its jurisdiction.

D.2. Contents of the report

D.2.1. A State party should deal specifically with every article in Parts I, II, III and IV of the Convention; legal norms should be described, but that is not sufficient: the factual situation and the practical availability, effect and implementation of remedies for violation of provisions of the Convention should be explained and exemplified.

D.2.2. The report should explain:

How article 2 of the Convention is applied, setting out the principal legal measures which the State party has taken to give effect to Convention rights; and the range of remedies available to persons whose rights may have been violated;

Whether the Convention is incorporated into domestic law in such a manner as to be directly applicable;

If not, whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities;

Whether the provisions of the Convention are guaranteed in a Constitution or other laws and to what extent; or

Whether the provisions of the Convention must be enacted or reflected in domestic law by legislation so as to be enforceable.

D.2.3. Information should be given about the judicial, administrative and other competent authorities having jurisdiction with respect to the implementation of the provisions of the Convention.

D.2.4. The report should include information about any national or official institution or machinery which exercises responsibility in implementing the provisions of the Convention provisions or in responding to complaints of violations of those provisions, and give examples of their activities in this respect.

D.2.5. The report should outline any restrictions or limitations, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on the enjoyment of each provision of the Convention.

D.2.6. The situation of non-governmental organizations and women's associations and their participation in the implementation of the Convention and the preparation of the report.

D.3. Annexes to the report

D.3.1. The report should be accompanied by copies of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to Convention rights. Such texts will not be copied or translated, but will be available to members of the Committee; it is important that the report itself contains sufficient quotations from or summaries of these texts so as to ensure that the report is clear and comprehensible without reference to the annexes.

E. Subsequent periodic reports

E.1. In general, the subsequent periodic reports of States parties should focus on the period between the consideration of their previous report and the presentation of the current reports. There should be two starting points for such reports:

(a) The concluding comments (particularly "Concerns" and "Recommendations") on the previous report and summary records of the Committee's consideration (insofar as these exist);

(b) An examination by the State party of the progress made towards and the current implementation of the Convention within its territory or jurisdiction and the enjoyment of its provisions by those within its territory or jurisdiction.

E.2. Periodic reports should be structured so as to follow the articles of the Convention. If there is nothing new to report under any article, it should be so stated. Periodic reports should also highlight any remaining obstacle to the participation of women on an

equal basis with men in the political, social, economic and cultural life of the State party.

E.3. The State party should refer again to the guidance on initial reports and on annexes, insofar as these may also apply to periodic reports.

E.4. There may be circumstances where the following matters should be addressed:

(a) A fundamental change may have occurred in the State party's political and legal approach affecting Convention implementation: in such a case a full article-by-article report may be required;

(b) New legal or administrative measures may have been introduced which require the annexure of texts, and judicial or other decisions.

F. Optional protocol

F.1. If the State party has ratified or acceded to the Optional Protocol and the Committee has issued Views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, a report should include information about the steps taken to provide a remedy, or meet such a concern, and to ensure that any circumstance giving rise to the communication does not recur.

F.2. If the State party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under article 8 of the Optional Protocol, a report should include details of any measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

G. Measures to implement outcomes of United Nations conferences, summits and reviews

G.1. In the light of paragraph 323 of the Beijing Platform for Action, adopted at the Fourth World Conference on Women, in September 1995, initial and subsequent reports of States parties should contain information on the implementation of the actions to be taken in regard to the 12 critical areas of concern identified in the Platform. Reports should also contain information on the implementation of the Further actions and initiatives to implement the Beijing Declaration and Platform for Action agreed by the twenty-third special session of the General Assembly, "Women 2000: gender equality, development and peace for the twenty-first session" in June 2000.

G.2. Taking account of the reaffirmation by the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in September 2001 of the need to apply a gender perspective in the implementation of the Conference outcome, States parties' reports should contain information on such implementation in their reports. In particular, States parties should include statistical information related to individuals, members of groups and communities within their jurisdiction, including statistical data on participation in political life and on their economic, social and cultural situation (see Durban Programme of Action, para. 98). Information on the situation of women migrants should also be included (see Durban Programme of Action, para. 31).

G.3. Information on the implementation of the 2002 Madrid International Plan of Action on Ageing should be provided where appropriate.

H. The Committee's consideration of reports

H.1. General

H.1.1. The Committee intends its consideration of a report to take the form of a constructive discussion with the delegation, the aim of which is to improve the situation pertaining to Convention rights in the State.

H.2. List of issues and questions with respect to periodic reports

H.2.1. On the basis of all information at its disposal, the Committee will supply in advance a list of issues or questions which will form the basic agenda for consideration of periodic reports. Written answers to the list of issues of questions will be required from the State party several months in advance of the session at which the report will be considered. The delegation should come prepared to address the list of issues and to respond to further questions from members, with such updated information as may be necessary; and to do so within the time allocated for consideration of the report.

H.3. The State party's delegation

H.3.1. The Committee wishes to ensure that it is able effectively to perform its functions under article 18 and that the reporting State party should obtain the maximum benefit from the reporting requirement. The State party's delegation should therefore include persons who, through their knowledge of and competence to explain the human rights situation in that State, are able to respond to the Committee's written and oral questions and comments concerning the whole range of the Convention's provisions.

H.4. Concluding comments

H.4.1. Shortly after the consideration of the report, the Committee will publish its concluding comments on the report and the constructive dialogue with the delegation. These concluding comments will be included in the Committee's annual report to the General Assembly; the Committee expects the State party to disseminate these conclusions, in all appropriate languages, with a view to public information and discussion.

H.5. Extra information

H.5.1. In the course of its consideration of a report, the Committee may request or the delegation may offer further information; the secretariat will keep a note of such matters which should be dealt with in the next report.

I. Format of the report

I.1. Reports should be submitted in one of the six official languages of the United Nations (Arabic, Chinese, English, French, Spanish or Russian). They should be submitted in hard and electronic form.

I.2. Reports should be as concise as possible, and should be 100 pages or less.

I.3. Paragraphs should be sequentially numbered;

I.4. The document should be on A4-sized paper; and presented in single-spaced format;

I.5. The document should be printed on one side of each sheet of paper so as to allow for reproduction by photo-offset.

Annex III

Impact of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on the work of the Committee

1. At its twenty-sixth session, the Committee designated Hanna Beate Schöpp-Schilling, the liaison with the Committee on the Elimination of Racial Discrimination, to analyse the Durban Declaration and the Plan of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for its impact on the work of the Committee, and provide suggestions in that regard. The Committee had adopted a statement highlighting the multiple and differentiated forms of discrimination women may suffer because of their sex and race, and because of xenophobia and related intolerance, at its twenty-fifth session, in July 2001.

2. Ms. Schöpp-Schilling reported that the report of the World Conference is divided into three parts (A/CONF.189/12, Part II and Part III).

3. The Declaration and the Plan of Action recognize:

(a) The existence of multiple and interrelated forms of discrimination due to the fact that "racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls";

(b) The need to "apply a gender perspective, recognizing the multiple forms of discrimination which women can face ...". "Gender" is defined in a footnote as referring "to the two sexes, male and female, within the context of society";

(c) The need to "develop a more systematic and consistent approach to evaluating and monitoring racial discrimination against women";

(d) The need to mainstream gender and race into all "policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination";

(e) The need to "establish and strengthen effective partnerships with and provide, as appropriate, support to all relevant actors of civil society, including NGOs ... to promote an integrated and holistic approach to the elimination of all forms of discrimination against women and girls".

4. Special emphasis is also given to the situation of girls as victims of racism, racial discrimination, xenophobia and related intolerance, and special measures are being described which are to be enacted to overcome these situations.

5. Indigenous women, women immigrants, women migrants, women exposed to violence in war situations, and women as internally displaced persons also receive special attention and recommendations.

6. Women are being referred to in recognition of the multiple forms of discrimination they suffer in the areas of education, employment, access to and provision of health care, poverty eradication and resource allocation, decision-making, political participation, trafficking and violence.

7. "Special measures or positive actions for the victims of racism" are called for "... in order to promote their full integration into society". Such measures "should

aim at correcting the conditions that impair the enjoyment of rights ...". An increase in "public actions and policies in favour of women ..." is requested from States, "given the fact that racism affects them more deeply".

8. There are many references to the International Convention on the Elimination of All Forms of Racial Discrimination throughout the Declaration and the Programme of Action, and the Convention on the Elimination of All Forms of Discrimination is referred to, as is the Fourth World Conference on Women. Ratification of the Convention is recommended (as well as of other human rights conventions) with "a view to achieving universal ratification within five years", as well as ratification of its Optional Protocol.

9. As regards implementation, States are urged to "continue cooperating with ... human rights treaty monitoring bodies in order to promote ... the effective implementation of the instruments concerned and proper consideration of the recommendations adopted by these bodies with regard to complaints of racism, racial discrimination, xenophobia and related intolerance".

10. A United Nations Year or Decade against trafficking of persons, especially in women, youth and children, is also recommended.

11. The primary human rights instrument addressing issues of racial discrimination is the International Convention on the Elimination of All Forms of Racial Discrimination. This Convention, however, except for the first paragraph in its preamble, which refers to the Charter of the United Nations, does not make any reference to women or sex. In 2000, did the Committee on the Elimination of Racial Discrimination formulate a general comment on the gender-related dimensions of racial discrimination?

12. In cases of women suffering multiple discrimination on the grounds of sex/gender and race/ethnicity, the statements contained in the Declaration and the recommendations contained in the Programme of Action can be related to almost all articles of the Convention, especially to articles 1, 2, 3, 4.1, 5, 6, 7, 8, 10, 11, 12, 13, 14, and 24. The reference to human rights treaty bodies as to the implementation of the Durban Declaration and Programme of Action justifies the Committee's consideration of these issues, while, at the same time, overlapping should be avoided.

13. It is recommended that the Committee examine the ways in which the Committee on the Elimination of Racial Discrimination amends its guidelines for reporting in reference to the differentiated and multiple forms of discrimination women suffer on the grounds of sex/gender and of race/ethnicity/nationality. The chairpersons' meeting could be an appropriate place to address this issue.

14. The Committee on the Elimination of Discrimination against Women may wish to consider:

(a) Including in its revised reporting guidelines a request for information on the racial/ethnic/national make-up of a State party's population and for information on the discrimination against women of that population under the relevant articles of the Convention when appropriate including the State party's efforts to combat it;

(b) Formulating a general recommendation, based on its statement to the Conference, relevant States parties' reports, and the Durban Declaration and Programme of Action, on the differentiated and multiple forms of discrimination

women suffer under all the articles of the Convention, due to discrimination on the grounds of sex/gender and race/ethnicity/nationality, including their status as immigrants, migrants, indigenous women, internally displaced women and women in war situations;

(c) Formulating a concise general recommendation in support of a United Nations Year or Decade against trafficking in persons, in particular in women, youth and children.

Annex IV

Report on the Second World Assembly on Ageing, 8 to 12 April 2002, Madrid

1. At its twenty-sixth session, the Committee on the Elimination of Discrimination against Women adopted a statement to be forwarded to the Second World Assembly on Ageing and nominated Ms. Hanna Beate Schöpp-Schilling to attend the Second World Assembly on Ageing on behalf of the Committee, subject to the availability of financial resources. Financial resources for Ms. Schöpp-Schilling's attendance were provided by the Government of Germany. Two other members of the Committee, Ms. Hazelle and Ms. Kapalata, also attended the Second World Assembly as representatives of their countries (Saint Kitts and Nevis, and Tanzania).

2. Ms. Schöpp-Schiiling presented the statement, "Ending discrimination against older women through the Convention", adopted by the Committee to the first meeting of the Main Committee of the Assembly. She also participated in a Round Table organized by the Spanish Organizing Committee entitled "Older Persons as Agents for Change and Development: Participation and Rights". Other participants in the panel were drawn from academia, United Nations agencies and NGOs. The keynote speech by Julia Alvarez, one of the key proponents for the Second World Assembly on Ageing, was read. Ms. Schöpp-Schilling's presentation concentrated first on women and second on the aspect of their human rights, and argued that only when women enjoyed their human rights without discrimination would they be fully enabled to be, or become, agents of change and development when they became older, be it in politics, in economics, as volunteers and mentors or as lobbyists. Examples from States parties' reports were provided.

3. Ms. Schöpp-Schilling reported that speeches to the plenary of the Assembly were full of facts, referred to policies and programmes, planned or implemented, but only approximately 10 per cent made reference to women or to the need for a differentiated approach to gender mainstreaming in ageing policies, thereby starkly contrasting with the reports by States parties to the Committee as to their efforts towards gender mainstreaming. Governments do not seem to apply this concept in practice. Even speakers who were cabinet members with multiple portfolios, including women, did not mention sex and gender aspects when talking about their policies for older people. The human rights dimension of laws, policies and programmes for older persons also did not receive much consideration in these speeches.

4. Ms. Schöpp-Schilling attended a press meeting organized by HelpAge, an international NGO administering projects for and with older people, particularly in developing countries, during which she highlighted the monitoring potential of the human rights treaty bodies, in particular the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, and general comment number 6 of the Committee on Economic, Social and Cultural Rights, which addressed the issue of older persons, including women, and the Committee on the Elimination of Discrimination against Women had prepared a statement for the Assembly on older women. The mechanism of shadow reporting by non-governmental organizations was also described to encourage this practice.

5. The final documents of the Assembly contain many references to women and gender differentiation/mainstreaming and acknowledge the fact that women occupy a special place in this topic owing both to their quantity and to their life patterns, which are different from those of men and are influenced by multiple discrimination.

6. The Committee on the Elimination of Discrimination against Women may wish to consider the formulation of a general recommendation on the right of older women to non-discrimination under all articles of the Convention, drawing on States parties' reports, its statement to the Second World Assembly on Ageing, Declaration of that Assembly and Madrid Plan of Action. It may also wish to revise its general recommendation number 9 on statistical data concerning the situation of women to take account of these documents. The Committee may also wish to include a request to receive data disaggregated according to sex and age in reports of States parties in its revised guidelines on reporting.